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**Subject:** The Morning Headlines from InsideEPA.com -- October 1, 2012  
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#### Latest News

##### EPA Seeks To Identify Gaps In State Laws To Inform TSCA Fracking Rules

EPA is seeking to identify potential gaps in a patchwork of state laws governing when and how energy companies must disclose hydraulic fracturing chemicals to ensure that its planned Toxic Substances Control Act (TSCA) rules for the sector "complement" existing state regulations, an agency lawyer says.

##### Logging Industry Fears High Court Case Could Expand Citizen Suits' Reach

The logging industry and some states fear that the pending Supreme Court cases testing whether logging road conduits are subject to Clean Water Act (CWA) permits could also extend the reach of citizen suits to target EPA water regulations and federal and state permits -- even though the law includes an explicit prohibition on such suits.

##### EPA Calls For Court To Avoid 'Unitary Waters' Ruling In Water Transfer Suit

EPA is urging the Supreme Court to avoid a possibly precedent-setting ruling in a case dealing with the transfer of waters between channelized and unimproved riverbeds in a municipal storm sewer, arguing in a recent amicus brief that the high court should return a stormwater case to the appellate court to correct factual rather than legal errors.

##### Supreme Court Delays Consideration Of Superfund Cost Recovery Case

The Supreme Court has postponed until Oct. 5 its consideration of a petition of certiorari by chemical manufacturers to review the availability of Superfund cost recovery mechanisms for private parties who have entered into consent decrees with the government for cleanup response costs.

##### Proposed Natural Gas Plant May Set Tighter GHG BACT Permit Precedent

A proposed combined-cycle natural gas-fired power plant in California that will serve multiple purposes -- including serving local capacity -- would cut greenhouse gases (GHGs) more than other plants and could

set a precedent for stricter best available control technology (BACT) controls in GHG permits, says a source involved with the facility.

#### States, Lawmakers Split In Debate Over Broad Delegation Of 404 Authority

State regulators and federal legislators are debating expanded delegation to states of Clean Water Act (CWA) section 404 authority over dredge-and-fill permits, with interest in streamlining the review of proposed permits being weighed against the potential impacts of sequestration cuts on the state programs, which already rely on federal funding.

#### Experts Again Warn Of Environmental Law Effects From Healthcare Ruling

Legal experts are reiterating their belief that the Supreme Court's 2012 ruling upholding President Obama's health care law could force changes in some environmental rules that require states to take action, though they say the holding that the law's individual mandate violates the Constitution's Commerce Clause will have limited effect on environmental law, even though much of it relies on the Commerce Clause.

#### Latest Blogs

#### EPA Appeals Mining Guide Vacatur

EPA is appealing a federal district court ruling that vacated the agency's guidance setting discharge and other permit conditions for mountaintop mining operations in Appalachia, . . .

#### Senators Question EPA Fracking Guide

A bipartisan group of senators is raising concern over EPA's pending guidance for issuing Safe Drinking Water Act (SDWA) permits for hydraulic fracturing operations that . . .

#### Bid To Block Arctic Offshore Drilling

A group of Senate Democrats is urging Interior Secretary Ken Salazar to eliminate Arctic drilling leases from the Department the Interior's (DOI) five-year offshore drilling . . .

#### Clarity Sought On Fracking Review

Oil and gas producer Encana is seeking clarity from EPA that it will peer review its draft findings that the company's hydraulic fracturing operations likely . . .

#### ELI Pitches Presidential Debate Questions

The Environmental Law Institute (ELI) is pitching a list of 12 environment and energy questions it wants asked at the first presidential debate between President . . .

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